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500900960

JULY 06, 2009

PTAS

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 07/01/2009

REEL/FRAME: 022904/0429

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 374-45

ASSIGNOR:

LOSIO, MASSIMO

DOC DATE: 10/30/2002

ASSIGNEE:

TECHNOGEL ITALIA S.R.L.
VIA BASSANESE INFERIORE, 32
POZZOLEONE (VINCENZA), ITALY 36050

SERIAL NUMBER: 10598859

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: COMPOSITE FOOTWEAR INSOLE, AND METHOD OF MANUFACTURING SAME

TO:KEUSEY, TUTUNJIAN & BITF O, P.C. COMPANY:20 CROSSWAY PARK NORTH, SUITE 2

022904/0429 PAGE 2

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

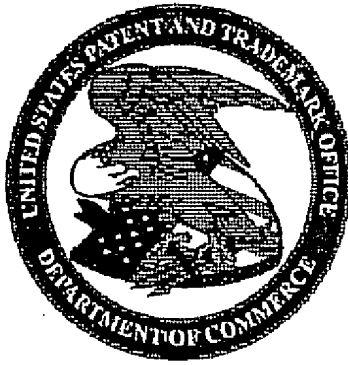
PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

07/01/2009
 500900960

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Massimo Losio	10/30/2002
RECEIVING PARTY DATA	
Name:	Technogel Italia s.r.l.
Street Address:	Via Bassanese Inferiore, 32
City:	Pozzoleone (Vincenza)
State/Country:	ITALY
Postal Code:	38050
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	10598859
CORRESPONDENCE DATA	
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<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
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Correspondent Name:	Keusey, Tutunjian & Bitetto, P.C.
Address Line 1:	20 Crossways Park North, Suite 210
Address Line 4:	Woodbury, NEW YORK 11797
ATTORNEY DOCKET NUMBER:	374-45
NAME OF SUBMITTER:	James J. Bitetto
Total Attachments: 2 source=374-45-assignment#page1.tif source=374-45-assignment#page2.tif	

CH \$40.00 10598859



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Facsimile Transmission

To:	Name:	KEUSEY, TUTUNJIAN & BITETTO, P.C.
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Fax Notes:

Pg#	Description
1	Cover Page
2	233.TXT
4	Document 1, Batch 1711107

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Date and time of transmission: Monday, July 06, 2009 1:08:58 PM
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ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

Technogel Italia s.r.l.
Via Bassanese Inferiore, 32
36050 Pozzoleone (Vicenza)
ITALY

It successor and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in
COMPOSITE FOOTWEAR INSOLE, AND METHOD OF MANUFACTURING SAME

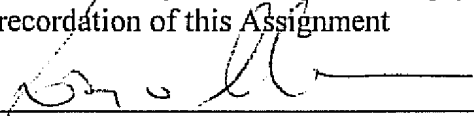
as set forth in this United States Patent Application

- ☐ executed currently herewith.
- ☐ executed on _____
- ☒ Application No. 10/598,859; filed 13 September 2006
- ☒ Application claims priority from Italian Application No. VI2004A000052,
filed 15 March 2004, all applications listed above being hereinafter referred
to as the "application(s)";

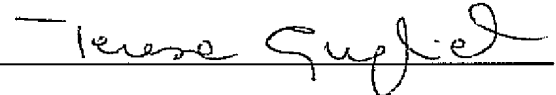
said application for United States Letter Patent, including all divisional, renewal, substitute, continuation, non provisional, continuation-in-parts, and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues, reexaminations, and extension of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, declarations, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, model, samples or other physical exhibits which may embody said inventions, and to testify in any proceedings relating to said inventions, patent applications, and/or Letters Patent.

The undersigned hereby grants and authorized representative of Assignee the power to insert in this Assignment any further identification that may be necessary or desirable to comply with rules of the U.S. Patent and Trademark Office for recordation of this Assignment

Oct. 30, 2007
Date


Massimo LOSIO

WITNESSES:



(Typed Name of Witness) TERESA GUGLIELMI



(Typed Name of Witness) ALVISE BERTONCESI



UNITED STATES PATENT AND TRADEMARK OFFICE

17 AUG 2009

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KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH
SUITE 210
WOODBURY NY 11797

In re Application of	:	DECISION
LOSIO et al.	:	
Application No.: 10/598,859	:	
PCT No.: PCT/IB2005/000656	:	
Int. Filing Date: 15 March 2005	:	
Priority Date: 15 March 2004	:	
Attorney Docket No.: 048826/315332	:	
For: COMPOSITE FOOTWEAR INSOLE,	:	
AND METHOD OF MANUFACTURING	:	
SAME	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed 14 May 2009.

BACKGROUND

On 15 March 2005, applicant filed international application PCT/IB2005/000656, which designated the United States and claimed a priority date of 15 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 September 2006.

On 13 September 2006, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 August 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Ireneo Braghin and an English translation thereof.

On 20 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that the statement of Ireneo Braghin (English translation) did not state that any error in inventorship in the international application occurred with deceptive intention on his part, that no mention was made in the petition regarding whether an assignment had been executed, that if an assignment had been executed, the written consent of the assignee was required, and that a proper showing under 37 CFR 3.73(b) was required if an assignment has been executed. The decision also noted that the declaration of inventors filed 05 August 2008 was not in compliance with 37 CFR 1.497(a)-(b) because the filing date indicated for the executed specification was incorrect.

On 14 May 2009, applicants filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a new declaration of the inventor, a statement from Ireneo Braghin, and a consent of assignee statement.

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 20 November 2008, item (2) has been satisfied and item (4) is not required.

Item (1) has now been satisfied.

Item (3) has not been satisfied. Although a consent of assignee statement has been provided, a proper showing under 37 CFR 3.73(b) has not. Such a showing is required if an assignment has been executed. See MPEP § 324. (Although the consent of assignee statement indicates that "a copy of the assignment is enclosed herewith," no such copy appears in the application file.)

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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PCT Legal Examiner
PCT Legal Affairs
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Telephone: (571) 272-3301